

shall be filed, in duplicate, with the Commission's Office of the Secretary within 45 days of the contract's filing with the Commission and shall include:

* * * * *

Subpart C—Form, Content and Use of Tariff Data

§ 514.8 Electronic filing.

(a) *Exemptions.* (1) All tariffs required to be filed by this part shall be filed in the proper electronic form and manner unless specifically exempted by the Commission.

(2) A petition for a temporary exemption from the electronic filing requirements of this part shall be filed with the Secretary of the Commission under § 502.69 of this chapter and § 514.21. Unless a complete exemption from filing tariff material is warranted, the petitioner obtaining the exemption will still be required to file tariffs in paper format during the period of the exemption.

(b) *User manual.* A user manual for electronic filing (and/or retrieval) may be purchased from BTCL for a fee set forth in § 514.21. The user manual contains the following:

(1) *ATFI Fundamentals Guide*, which provides the basic ATFI concepts and the general system background to understand the procedures for ATFI use.

(2) *ATFI System Handbook*, which describes system use characteristics, provides high-level introduction to users' interfaces, i.e., menus and screens, outlines the information contained in the guides, and is a quick reference source for experienced users.

(3) *ATFI Tariff Retrieval Guide*, which provides complete instructional detail on the retrieval procedures to access all components of a tariff using the ATFI central site system in interactive mode.

(4) *ATFI Tariff Filing Guide*, which provides complete instructional detail on the interactive filing procedures to create and maintain all components of a tariff using the ATFI central site system in interactive mode.

(5) *ATFI "Batch Filing Guide"* (see paragraph (d)(3) of this section), which presents information to tariff filers who prepare new tariff submissions or

modifications in an "off-line" or batch mode, and then submit the batch filings to the Commission either electronically (on-line batch) or by tape (tape or in-bulk batch). Contains the ATFI transaction sets for proper formatting of batch filings.

(c) *Filing; types of filing.* In all cases, interactive, on-line batch or bulk (tape) batch, the filing session is processed as soon as possible after submission/receipt of the filing session information. The ATFI system assigns the filing date, which is the date an electronically transmitted (interactive or on-line batch) filing session file transfer is initiated (successful file transfer assumed) or the tape (in-bulk batch) is delivered to a designated location and date-time stamped, in local time in the U.S. Eastern Time Zone. After the filing session is processed, a filing-results message is placed in the filers electronic mailbox on the central site system.

(1) *Interactive filing.* Interactive tariff filing uses a modem and VT-100-type terminal (or VT-100-type terminal emulation on a personal computer) for ATFI access to create tariff filings, verify previous filings, and perform sample freight calculations for verification of filed information, using ATFI system screens and pop-up windows. The modem must adhere to one of the following standards: Bell 212 (1200 baud); CCITT V.22 (2400 baud); or CCITT V.32 (9600 baud). The filing is submitted when the filer executes the command to "File all Authorized Changes" and ATFI's "sent" response indicates completion of that filing session submission.

(2) *On-line batch filing.* On-line batch filing is performed by transmission of prepared tariff material to the ATFI system over dial-up lines from the filer's own computer, using published ATFI transaction set formats and the KERMIT file transfer protocols. The conclusion of the file transfer sequence is a positive keyboard entry to initiate the transfer and a response that indicates completion of that submission. The modem requirements are the same as those in paragraph (c)(1) of this section. On-line batch filing requires a computer and software capable of producing tariff material according to the

ATFI transaction sets, and transmitting via KERMIT protocol. KERMIT is public domain software and is available from: KERMIT Distribution, Columbia University Center for Computing Activities, 612 West 115th Street, New York, NY 10025.

(3) *In-bulk (tape) batch filing.* Tape batch filing is accomplished by physical delivery of prepared tariff material on magnetic tape, in the published ATFI transaction set formats, to designated location(s) and accepted/time-stamped by an ATFI attendant, or date/time stamped and deposited for processing. The tape is processed after receipt at the ATFI Computer Center. In order that in-bulk (tape) tariff data can be deemed to be "filed" on a particular date, the tape(s) must be appropriately delivered (deposited) by 5:00 p.m. on that date, if a normal Commission work day; or if the date desired is a non-work day, by 5:00 p.m. on the previous Commission work day. See § 514.10(a)(2)(iii). In-bulk batch filing requires a computer and software capable of producing tariff material according to the ATFI transaction sets, and recording this on 9-track 1600 bpi or 6250 bpi tape according to standards outlined in the "Batch Filing Guide." See paragraph (d)(3) of this section.

(d) *General format requirements—(1) Database format.* The ATFI database is structured from tariff data elements and the tariff objects (see paragraph (h) of this section) formed by logical grouping of those elements. For example, a TLI is a tariff object which contains data elements for origin, destination, rate, basis, service, etc. The tariff objects are relational, with the "master" record being the organization record for a firm. One or more tariff records would be "related" to that organization record. All required and optional Tariff Rules, any number of commodity descriptions, desired location groups and inland rate tables are related to a specific tariff record. TLIs are related to a specific commodity description and assessorial-charge algorithms are related to specific Tariff Rules, commodity descriptions or TLIs. This relational structure allows interactive ATFI users to quickly locate specific tariff objects regardless of the filing organization, tariff type or trade.

Although the data formats are very precise and the CRT displays standard, the traditional page format is no longer in use. See paragraph (l)(1) of this section.

(2) *Batch transmission.* Batch transmission of tariff materials to the ATFI computer, either on-line or in-bulk, is governed by the transaction sets contained in the "Batch Filing Guide." Tariff filings not complying with the regulations in this part or the formats and valid codes contained in the "Batch Filing Guide" are subject to rejection.

(3) *"Batch Filing Guide."* The ATFI "Batch Filing Guide" is published and updated in Pike and Fischer, "Shipping Regulation," SR 329:501, and a copy of the Guide is available from BTCL. The "Batch Filing Guide" includes the following items:

(i) *Transaction sets.* The transaction set formats also include transaction set segments, data elements, and reference tables.

(ii) *Data Element Dictionary ("DED") and Valid Reference Table Entries* for certain data elements (e.g., service codes, container type codes, currency codes, etc.), calculation statement definitions, and condition and calculation statement data fields. For interactive filing, valid reference table entries can be accessed on help screens.

(4) *Adding new transaction data.* Requests for major changes or additions to the transaction set data dictionary or reference tables shall be submitted in writing to BTCL, with sufficient detail and reasons for each proposed change. A contact person and telephone number also should be provided in case of questions.

(i) A proposed major change (other than a correction), such as to a transaction set, will require formal configuration management procedures and a minimum of thirty days' advance notice of the change in the FEDERAL REGISTER and the ATFI system news, available at system logon, and by other established Commission communications procedures.

(ii) Minor changes will be entered into the system and published as soon as possible. Such minor changes include additions to any of the following term and reference lists: Cities; States

and provinces; Countries; Ports; Container sizes; Container types; Container temperatures; Hazard codes; Inland modes; Packaging types; Rate Bases; Service types; Stuffing mode; Stripping mode; and Currencies. See Appendixes A and B to the ATFI Batch Filing Guide.

(e) *Hardware and software requirements.* The basic equipment suite necessary to access ATFI is a VT-100-type terminal (including CRT) and a modem. A more sophisticated suite for ATFI access would be composed of a personal computer (PC) (including CRT), a VT-100 emulation software package, and a modem. For batch filers, the transmitted filing session must be formatted to comply with the transaction sets. The transmission may be via the use of KERMIT file transfer protocols after establishing a link for on-line batch filing with the ATFI central site computer (see paragraph (c)(2) of this section).

(f) *Password and User ID.* (1) System Identifications ("IDs") for either filing or retrieval logon and initial password assignments are obtained by submitting the User Registration Form (exhibit 1 to this part), along with the proper fee under § 514.21 and other necessary documents prescribed by § 514.4(d) of this part, to BTCL. A separate User Registration Form is required for each individual that will access ATFI.

(2) Logon IDs and passwords may not be shared with or loaned to or used by any individual other than the individual registrant. The Commission reserves the right to disable any logon ID that is shared with, loaned to or used by parties other than the registrant.

(3) Authority for organizational maintenance, filing or retrieval can be transferred by submitting an amended registration form requesting the assignment of a new logon ID and password (see § 514.4(d)). The original logon ID will be canceled when a replacement logon ID is issued.

(g) *Connecting to ATFI; procedures.* If ATFI user equipment (hardware and software) is compatible with the configurations specified in paragraph (e) of this section, and the proper ID and password have been obtained under paragraph (f) of this section, on-line

ATFI services (interactive retrieval, interactive filing, and on-line batch filing) are available to users registered under this section and § 514.21 for the respective services, over commercial telecommunications using standard asynchronous modems with data rates up to 9600 baud. The dial-up procedures are set forth in section 2.3 of the Batch Filing Guide and section 4.2 of the ATFI System Handbook, and the ATFI Hot Line number is available through BTCL.

(h) *Major menu selections.* Proper connection will lead the user to the "ATFI Logo Menu," which allows selections by any user for "Tariff Retrieval," "Retrieval Practice," "Retrieval CBI," "Mailbox," "ATFI System News," "Change Password," "Screen Setup," and "Logout." Additionally, a registered filer can access "Tariff Filing," "Filing CBI," and "Filing Practice." Upon the selection of either "Tariff Filing" or "Tariff Retrieval," the user will be led to the "Main Menu," which allows selection (with help screens and windows) of the following items and subitems (see also the anti-rebate policy notice in paragraph (j) of this section). The tariff *objects* (in addition to * "Commodity Descriptions" and * "TLIs") are marked with an asterisk (*).

(1) *Select Tariff.* This selection allows access to a particular tariff which can be selected by "Organization Number," "Origin" and "Destination," and/or "Organization Trade Name."

(2) *Rate Inquiry.* This selection is used for "Commodities" (§ 514.13(a)), "TLIs" (§ 514.13(b)), "Access Dates" (§ 514.10(a)(1)), and "Algorithms" for assessorial charges and calculations (§ 514.10(d)). For essential terms publications, "Rate Inquiry" provides access to the * "Essential Terms" of service contracts (§ 514.17).

(3) *Other Tariff Components.* This selection provides another menu for:

(i) * *Rules (Tariff Rules).* See § 514.15.

(ii) *Inland Rates.* (This provides access to * "Inland Rate Tables.") See § 514.15(b)(1).

(iii) *Commodity Index.* (This can also be accessed from the "Commodity Search" screen under "Rate Inquiry.") See § 514.13(a)(7).

(iv) * *Location Groups.* See § 514.10(b).

(v) *Tariff Definition*. This selection provides another menu for:

(A) * *Tariff Record*. See § 514.11(b).

(B) *Origin Scope*. See § 514.11(c).

(C) *Destination Scope*. See § 514.11(c).

(D) *Governing Tariffs*. See § 514.12.

(E) * *Organization Record*. (This item is more directly available by filers who have the authority to edit the "Organization Record.") See § 514.11(a).

(vi) *Select Tariff*.

(vii) *New Access Date*. See § 514.10(a)(1).

(4) *Utilities*.

(i) *Currency Conversion*.

(ii) *Display Options*.

(iii) *Version Information*.

(iv) *New Tariff Creation* (filers only).

(v) *General Rate Increases* (filers only).

(vi) *Authorize/Review Changes* (filers only).

(vii) *Filing Utilities* (filers only).

(5) *Exit Tariff System*.

(6) *V1.00 Information*.

(i) [Reserved]

(j) *Anti-rebate tariff notice*. To further implement the United States policy against untariffed rebates, as reflected in § 514.1(c)(1)(iii), the following notice will appear after logon to the ATFI system:

The foreign commerce carriers whose tariffs are recorded within this system have a policy against the payment of any rebate, directly or indirectly by the company or by any officer, employee or agent, which payment would be unlawful under the Shipping Act of 1984. Such policy has been certified to the Federal Maritime Commission in accordance with the Shipping Act of 1984. The shipping statutes also prohibit rebates in the domestic offshore trade.

(k) *Publication; paper copies of tariff materials—(1) Publication—(i) Availability for public inspection*. (A) During normal business hours, every carrier, conference and terminal operator shall promptly make available to the public in paper or electronic form and at a reasonable charge (such as for a regular subscription under § 514.15(b)(30)) all tariff material required by this part to be filed by the carrier, conference or marine terminal operator, as well as all Commission actions affecting such tariff material, such as rejections, suspensions, etc.

(B) In addition to the requirements of paragraph (k)(1)(i)(A) of this section, every domestic offshore carrier shall

make available to the public at each facility at which it receives freight or passengers for transportation, or at which it employs a general or sales agent, all tariff material governing transportation to and from the facility in question.

(ii) *Availability of domestic offshore tariff materials to government officials*. The governor of any state, commonwealth or territory served by a domestic offshore carrier may request a carrier in writing to furnish to a designated government official or office tariff matter filed by the carrier which pertains to trades affecting the state, commonwealth or territory in question. Such request may be for the tariff matter either to be made available in electronic format, or to be furnished in no more than two (2) paper copies. Upon receipt of such a request, which shall include the name, address and facsimile transmission number(s) of the designated official or office, the carrier shall promptly provide to the designated official or office the requested tariff material and add the official or office to its list of tariff subscribers. No charge shall be made for the service, but such officials and offices shall be treated in the same fashion as paid subscribers in all other respects. See § 514.15(b)(30). In addition, a copy of any new or amendatory tariff matter that results in an increased cost to the shipper and that is filed on less than 30 days' notice pursuant to § 514.9(b)(24)(ii), shall be provided to the designated Government officials or offices, on the same day that such tariff matter is filed with the Federal Maritime Commission, by hand delivery or facsimile transmission of one paper copy, or by electronic transmission, if available.

(iii) *Assistance to the public*. Persons requesting to inspect tariff materials shall, upon reasonable notice, be provided sufficient instruction or assistance to allow them to ascertain both the present and proposed rates, charges, classifications, Tariff Rules and practices of the tariff owner.

(iv) *Tariff Rule containing public access details*. Tariff filers shall set forth in detail in Tariff Rule 30 (§ 514.15(b)(30)) all costs, conditions and arrangements for public inspection of tariff material,

including the official tariff when it is not available for access in the ATFI system due to a breakdown or similar disaster.

(v) *Official copies.* (A) Except as provided in paragraph (k)(1)(v)(B) of this section, the official version of a tariff will be the version of any and all tariff objects published and effective on a specific date in the ATFI central site computer or the ATFI archives. Individual tariffs are accessible by registered ATFI interactive retrievers and by the public at terminals in the Commission's Tariff Control Center.

(B) During a major emergency where the ATFI host processor is inaccessible due to an equipment breakdown in the ATFI system, the official tariff of a tariff owner shall be that maintained by the tariff owner for public access during just such an emergency. The access to the emergency tariff shall be described in the tariff owner's Tariff Rule 30 (§ 514.15(b)(30)). As soon as the ATFI host processor becomes accessible, the tariff owner shall ensure that there are no discrepancies between the emergency tariff and the ATFI tariff.

(2) *Certified paper copies of tariff material.* The Commission will publish paper pages containing filed tariff information only for special Commission requirements, e.g., for requested certification of tariff data by the Commission Secretary for official use in court and in other governmental proceedings under § 503.43(c) of this chapter and § 514.21(d). The pages produced for these purposes will not reflect the formats of traditional, page-based tariffs, but will present tariff objects in effect or filed to become effective on a specific date. The paper format may reflect the printing of a computer screen display or the retrieval and printing of a specific portion of a tariff in the ATFI database or the ATFI database archives.

(1) *Certification of batch filing capability.* (1) The Commission will not make available to the public software packages for firms to use in formulating tariff filings. The Commission has released the "Batch Filing Guide" (with transaction sets) into the public domain so that qualified commercial firms can develop batch filing software for the general market.

(2) *Certification.* Firms which develop batch filing software, by appointment through BTCL and payment of the fee set forth in § 514.21, can be certified for the formatting of one or more of several types of tariff data (e.g., domestic, foreign, essential terms, etc.) in ATFI transaction set format and submission of that data to the FMC ATFI central site computer. The data may be submitted either via on-line batch transmission over dial-up telecommunications links using the required file transfer protocols, or in bulk batch via delivery to the ATFI computer center of magnetic tape containing the tariff data. Certification will require submission of tariff filing sessions to ATFI, with an evaluation of the actual results of the attempted filings to ensure that the transaction set formats are properly employed and that the filing results are consistent with the filer's expectations.

(m) *ATFI screens.* The sample screens used to illustrate tariff objects in this part simulate parts of, but are not the actual, completed ATFI screens used in the electronic filing and retrieval of tariff data, which may also change with technical or regulatory developments. Moreover, certain fields appearing on the actual ATFI screens may be blocked off from directly entering all or certain data in such fields, because of default procedures, developing and copying data from other, preliminary screens, etc. Accordingly, filers must carefully follow instructions in order to properly enter complete and accurate tariff data.

(n) *Validation of data.* Tariff data submitted to ATFI for filing are screened for compliance with ATFI conformity checks, and certain data not automatically rejected by the conformity checks are flagged for Commission examiner review.

(1) *Conformity checks.* The conformity checks are syntax checks, validity checks and associative checks. For interactive filing, the ATFI system will generally not accept tariff material which fails conformity checks and the on-line filer can immediately correct its proposed filing before final submission to the ATFI database. Commercially developed batch filing software can be designed to accomplish the

Federal Maritime Commission

§ 514.8

same functionality. However, all proposed filings of tariff materials must undergo the routine system conformity checks before they can be received into the database. Filers will be notified of automatic rejections at this stage by electronic mail, with follow-up letter, if necessary. The conformity checks are:

(i) *Syntax Checks*. Tariff material will be checked for file integrity, proper data types, field lengths, and logical sequence according to the "Batch Filing Guide's" transaction sets. Data not conforming to the data element format or type in the "Batch Filing Guide's" Data Element Dictionary ("DED") and the sequence requirements of the transaction sets and segment definitions will result in rejections of submitted tariff data to include the possible rejection of an entire filing if form and format errors are extensive enough to preclude processing.

(ii) *Validity Checks*. Certain data elements of filed tariff material will also be checked for data validity by type against the DED's published reference tables, such as for container types and sizes, rate basis, and packaging. See § 514.13(b).

(iii) *Associative Checks*. ATFI uses associative checks to identify logical conformity with established tariff filing rules. The following are some representative types of associative checks performed by the ATFI system.

(A) Any *new or amended tariff matter* must have:

(1) A valid organization number and name (§ 514.11 (b)(1)(ii) and (b)(2)).

(2) No suspended carrier or object status (See §§ 514.1(c)(1) and 514.19).

(3) Appropriate publication authority (§ 514.11(a)(9)(iii)).

(4) Filing date same as or prior to effective date (§ 514.10(a)).

(5) Valid and appropriate filing/amendment codes (§ 514.9).

(6) Valid and appropriate filing, effective, thru and expiration dates (§§ 514.9 and 514.10(a)).

(7) When used, valid special case number and filing/amendment code "S," with no other filing/amendment codes entered (§ 514.9(b)(19)).

(B) *Tariff records* (§ 514.11(b)) must have new (unique to carrier/conference/

terminal) tariff number (§ 514.11(b)(1)(ii)).

(C) *Commodity description records* (§ 514.13(a)) must have:

(1) Complete textual description and unique number.

(2) At least one commodity index entry.

(D) *Tariff line item (TLI)* records (§ 514.13(b)) must have a valid:

(1) Commodity description and code (§ 514.13(b)(5)).

(2) TLI code (§ 514.13(b)(6)).

(3) Origin and destination (§ 514.13(b)(15)).

(4) Rate basis (§ 514.13(b)(17)).

(5) A specified rate (§ 514.13(b)(19)).

(E) *Tariff Rules* (§ 514.15(b)) must have:

(1) All mandatory rules.

(2) Number of new Tariff Rule not previously used in that tariff.

(F) *New or enlarged scope* (certain tariffs) must have effective date 30 days or more after filing date (§ 514.11(b)(10)).

(G) *Essential terms* (§ 514.17) must have:

(1) All mandatory terms (§ 514.17(d)).

(2) Availability date for initial service contracts and each amendment thereto at least 30 days greater than the filing date (§ 514.17(d)(3)).

(2) *Flag for FMC examiner review*. In ATFI, electronic conformity checks cannot be designed to check and pass/fail every possible rejection situation, such as, for example, conflicting texts or ambiguous language. Other matters, such as filings of controlled carriers, require policy review under the 1984 Act. For these reasons, ATFI will automatically queue for review by a Commission examiner the items which survive the conformity checks described in paragraph (n)(1) of this section. The following are representative types of items flagged for examiner review:

(i) Any *new or amended tariff matter*:

(A) Of a controlled common carrier.

(B) With a filing/amendment code of "G," "K," "M," "P," "T," or "X" (§ 514.9(b)).

(C) When a special case number is present (§ 514.9(b)(19)).

(ii) All *tariff record* filings and amendments (§ 514.11(b)).

(iii) All *new commodity descriptions* (§ 514.13(a)).

(iv) *Tariff line item (TLI) records* (§514.13(b)):

(A) With any increase and the filing/ amendment code does not contain an “A” or “G” (§514.9 (b)(1) and (b)(7)).

(B) With any non-rate data changes (§514.13(b)(17)).

(v) *All Tariff Rules* (§514.15).

(vi) *Location groups* (§§514.9(b)(16) and 514.10(b)):

(A) Any new group or addition to group.

(B) Any deletion of a group member.

(vii) *All service contract essential terms filings.* (§514.17).

(3) *Status/rejection codes.* The command line at the bottom of most ATFI screens provides a “Status” option for retrievers to determine whether an ATFI object is accepted, rejected, suspended, etc., and the reasons therefor. The DED “FMC Status/Rejection Code” provides numeric, two-digit codes for this purposes, e.g., “01—Not rejected; item accepted.”

[57 FR 36271, Aug. 12, 1992, as amended at 57 FR 44509, Sept. 28, 1992; 57 FR 46324, Oct. 8, 1992; 58 FR 28, Jan. 4, 1993; 60 FR 56123, Nov. 7, 1995]

§514.9 Filing/Amendment codes and required notice periods.

(a) *General.* (1) Under the shipping statutes, various types of tariff material require different notice periods (beginning with the filing date) before they may become effective. For example, a new tariff or a rate increase usually requires 30 days’ notice before the effective date. See §514.4(a). Paragraph (b) of this section describes the different notice periods for the various types of filed tariff items and their corresponding filing/amendment codes (symbols), which shall be carefully used by the filer for the purposes of guiding the user and triggering accurate associative checks to ensure the integrity of the filed tariff material. See §514.8(n). The ATFI system makes available a *Help* screen which also lists the uniform symbols.

(2) *Multiple symbols.* Filed tariff material frequently can be coded with more than one symbol. Accordingly, the field, “Amendment Type,” appearing on most ATFI screens, will usually allow up to three different, compatible

symbols, but see paragraph (b)(19) of this section.

(3) *Symbol(s) resulting from deletion.* When amendments deleting existing tariff matter alter the amount paid by the shipper/consignee, the effect of this change shall be indicated by the proper code symbol(s), as required by paragraph (b) of this section.

(4) *Restricted use of symbols.* The codes or symbols prescribed in paragraph (b) of this section may not be used for any other purpose, nor shall any symbol be used other than the appropriate symbol(s) described in paragraph (b) of this section.

(5) *Essential terms and terminal tariffs.* Due to the absence of most of the notice requirements otherwise applicable to carrier or conference tariffs, the use of symbols under this section for terminal tariffs will be appropriate for the tariff objects employed and filing/maintenance. Symbols for essential terms of service contracts under §514.17 will usually be “I” for initial filings, “S” for corrections, and the appropriate symbols for amendments to essential terms. See §514.17(d)(5)(i).

(b) *Filing/Amendment codes and notice periods.* For tariffs in foreign and domestic offshore commerce, the following are the notice periods for various types of filings and their corresponding symbols. To the extent applicable and permitted by the ATFI system, the symbols can also be used in other types of tariff material, such as terminal tariffs.

(1) “A” *Increase (Foreign commerce and across-the-board increase which is not a general rate increase in domestic offshore commerce under paragraph (b)(7) of this section [“G”]: 30 days’ notice.* (i) Except for a general rate increase in domestic offshore commerce, amendments which provide for changes in rates, charges, rules, or other tariff provisions (including fares in domestic offshore commerce), which constitute a cost increase in foreign commerce or an across-the-board increase in domestic offshore commerce, shall use the symbol “A” and be filed to become effective not earlier than 30 days’ after the date of filing, unless an exemption or special permission to become effective on less than said 30 days’ notice has been granted by the Commission. See